IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1192 OF 2006

Laxmi Charitable Trust ... Petitioner

V/s

M/s. SLIMWELL & ors. ... Respondents

Mr. Prakash Mahadik for the petitioner.

Mr. Puneet Chaturvedi for the respondents.

CORAM: P.V. KAKADE, J.

DATED: 3RD APRIL, 2006

P.C.:

1. Heard both parties.

2. The petition can be disposed of with certain directions to the lower Court without going into the merits.

3. The R.A.D. Suit No. 3 of 2006 is filed by the present respondentS against the petitioner for declaration and consequential relief wherein order is passed by the lower Court to maintain the status-quo on 4.1.2006 and the order was to be effective till 9.1.2006. It appears from the record that on 17.1.2006

the petitioner moved the Court for expeditious hearing of the matter but the Trial Court has not taken up the matter for hearing. My attention was brought to the copy of the roznama of the suit. It appears that the Trial Court has adjourned the matter as the writ petition is filed by the present petitioner in this Court.

4. In my considered view, this approach of the Trial Court is not desirous nor proper. Firstly, the temporary injunction application is to be decided within stipulated time as per law, which has not been done. Moreover, the matter is being delayed only because the petitioner has filed this writ petition out of frustration when the lower Court appears to have not properly heard the application.

5. In view of these aspects, the lower Court is directed to take up the temporary injunction application filed in R.A.D. Suit No. 3 of 2006 for hearing on merits and it shall dispose of the application after hearing both parties on merits within two weeks from the date of this order.

With these directions, the petition stands disposed of

with no order as to costs.

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